

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

GENENTECH, INC.,

Plaintiff,

v.

THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW
YORK,

Defendant.

Civil Action No. 1:04-CV-11546 (MLW)

(Part of MDL No. 1592 (MLW))

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE
PURSUANT TO FED. R. CIV. P. 41(a)(1)**

NOTICE IS HEREBY GIVEN that pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Genentech, Inc. ("Genentech") hereby voluntarily dismisses, *without prejudice*, all remaining claims in the above-captioned action.

The Court, by its Order entered on November 5, 2004 and its Order of Dismissal entered on August 9, 2005, has dismissed Genentech's First, Second, Third, and Fourth Claims for Relief for lack of subject matter jurisdiction. Therefore, only Genentech's Fifth Claim for Relief remains. No previous action in any court of the United States or any state has been based on or included Genentech's Fifth Claim for Relief.

Defendant The Trustees of Columbia University in the City of New York has not served an answer to Genentech's complaint or a motion for summary judgment. Accordingly, Genentech dismisses the remaining claim as a matter of right, without prejudice, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

DATED: August 12, 2005

/s/ Adrian M. Pruett

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